

OW



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,488	06/20/2003	Shelley R. Goodstein	3945P2627	5479
23504	7590	11/04/2004	EXAMINER	
WEISS & MOY PC 4204 NORTH BROWN AVENUE SCOTTSDALE, AZ 85251			CEGIELNIK, URSZULA M	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/600,488	<b>Applicant(s)</b> GOODSTEIN, SHELLEY R.	
	<b>Examiner</b> Urszula M Cegielnik	<b>Art Unit</b> 3712	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 19-24 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12 and 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 recites the limitation "said suspension arm display". There is improper antecedent basis for this limitation in the claim.

Claim 23 recites the limitation "said infant/child transportation device" in line 3-4. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6, and 9-14 are rejected under 35 U.S.C. 102(e) as being anticipated by DeJule.



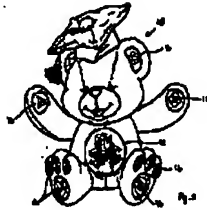
DeJule discloses a flexible device body of a form for providing a child/infant play or entertainment; one or more flexible multipixel displays (20) mounted on at least one surface of the device body (mounting portion) for providing a visual display to the child/infant; a driver circuit (paragraph 0029) coupled to the display array for providing electronic signals controlling the visual display (20) and a processor (computing device) coupled to the driver circuit (paragraph 0029) for programming the electronic signals; the one or more displays is a light emitting diode display (LED); the one or more displays is an organic light-emitting diode (OLED) display (paragraph 0028, lines 13-16); the device is a device for suspension over a child in a crib (paragraph 0028); the device is a mobile including a plurality of mobile figures and suspension arms for suspending the mobile figures (paragraph 0028 and Figure 7) and at least one of the one or more displays (20) forms a surface of at least one of the mobile figures (paragraph 0035, lines 1-4); the display is a flat flexible display adapted for attachment to a crib or playpen (paragraph 0028, lines 8-10 and 13-16), the display is held vertically for viewing by a child in the crib or playpen (see Figure 7); at least one of the suspension arms includes at least one or more displays conformal to a surface of the at least one suspension arm (*the portion distal of*

*reference numeral 20*), the suspension arm (*the portion distal of reference numeral 20*) display (20) is programmed to further provide a visual display (paragraph 0015, lines 9-12); the display is a flat flexible display (paragraph 0035) adapted for use on an automobile seat (the display is capable of being used on an automobile seat), the device is draped over the automobile seat (*the device is capable of being draped over the automobile seat*) and the display is thereby presented for view by a child.

Claims 1, 4, 5, 19, 20, 22, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Forbes et al.

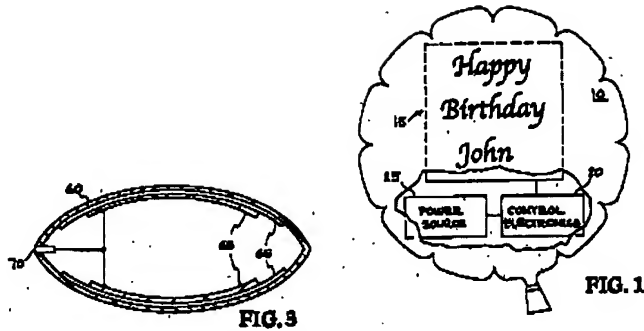
Forbes et al. disclose a device body (310) of a form for providing a child/infant play or entertainment (*the device body (310), which is in the form of a shopping cart is capable of providing child/infant play or entertainment*); one or more flexible multipixel displays (311) mounted on at least one surface of the device body (310) for providing a visual display to the child/infant; a driver circuit (thin-film transistor array) coupled to the display array for providing electronic signals controlling the visual display (311) and a processor (paragraph 0046) coupled to the driver circuit (thin-film transistors) for programming the electronic signals; the one or more displays is a light emitting diode display; the one or more displays is an organic light-emitting diode (OLED) display (paragraph 0008, lines 1-5); the flexible display is adapted for attachment around the circumference of a bar (*i.e. shopping cart handle, paragraph 0088 and Figure 26*); the device is a child/infant transportation device (*i.e. a shopping cart, paragraph 0015, lines 6-7*).

Claims 1 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Fong.



Fong discloses flexible device body of a form for providing a child/infant play or entertainment; one or more flexible (paragraph 0021, lines 1-7) multipixel displays (12) mounted on at least one surface of the device body (10) for providing a visual display to the child/infant; a driver circuit (PCB) coupled to the display array (12) for providing electronic signals controlling the visual display (12) and a processor (MPU) coupled to the driver circuit (PCB) for programming the electronic signals; the one or more displays (12) is a light emitting diode display (LED) (paragraph 0005, lines 1-5); the device is a child/infant plush toy (paragraph 0016, lines 7-9) and the multipixel display (12) forms a portion of the surface of the plush toy (see Figure 1, for example).

Claims 1-3, 16, 17, and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by World Intellectual Property Organization Publication No. 200183067, hereinafter WO '067.



WO '067 discloses a flexible device body of a form for providing a child/infant play or entertainment; one or more flexible multipixel displays (65) mounted on at least one surface of the device body (60) for providing a visual display to the child/infant; a driver circuit (68) coupled to the display array (65) for providing electronic signals controlling the visual display (65) and a processor (92) coupled to the driver circuit (68) for programming the electronic signals; the one or more displays (65) is a light emitting diode display (LED); the one or more displays is an organic light-emitting diode (OLED) display (i.e. OLED array 65); the device is a toy in the form of a simple geometric solid (i.e. a football shape) and the at least one display (65) occupies at least one face of the toy (the OLED array is bonded to the skin of the football); the toy is in the form of a ball (i.e. a football) having surface sections (the middle portion of football 60) approximating a sphere, at least one of the sections is occupied by one of the at least one displays (65) (see Figure 3).

Claims 1 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Ward.

Ward discloses a flexible device body of a form for providing a child/infant play or entertainment; one or more flexible multipixel displays (214,216) mounted on at least one surface of the device body (table-top surface) for providing a visual display (214,216) to the child/infant; a driver circuit (video driver) coupled to the display array (214,216) for providing electronic signals controlling the visual display (214,216) and a processor (254) coupled to the driver circuit (video driver) for programming the electronic signals; the device is a play desk (i.e. a table-top surface) having a flexible (rubber or plastic) body (300) and the at least one display (214,216) is arranged on a top surface of the play desk (i.e. on a table-top surface).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeJule in view of Forbes et al.

DeJule discloses the claimed invention except the device is a child/infant toy emulating an adult device having a display, the display emulate s the display on a corresponding adult display.



Forbes et al. teaches a flexible display (paragraph 0008, lines 1-5) which emulates an adult display such as a cell phone (280).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a flexible display which emulates an adult display such as a cell phone as taught by Forbes et al. since such a modification would make the toy more appealing to a child.

***Allowable Subject Matter***

Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

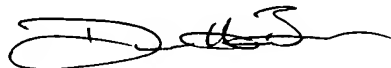
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Urszula M. Cegielnik whose telephone number is 703-306-5806. The examiner can normally be reached on Monday through Friday, from 5:45AM - 2:15PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H. Banks can be reached on 703-308-1745.

**The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 for both regular and After Final communications.**

Urszula M. Cegielnik  
Assistant Examiner  
Art Unit 3712



DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700